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PART II—Section 1

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सं. 33] नई दिल्ली बृहस्पतिवार, मई 26, 1988/ज्येष्ठ 5, 1910
No. 33] NEW DELHI, THURSDAY, MAY 26, 1988/JYAISTHA 5, 1910

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 26th May, 1988/Jyaistha 5, 1910 (Saka)

THE RELIGIOUS INSTITUTIONS (PREVENTION OF MISUSE)
ORDINANCE, 1988

No. 3 OF 1988

Promulgated by the President in the Thirty-ninth Year of the
Republic of India.

An Ordinance to prevent the misuse of religious institutions for political
and other purposes.

WHEREAS Parliament is not in session and the President is satisfied
that circumstances exist which render it necessary for him to take im-
mediate action;

Now, THEREFORE, in exercise of the powers conferred by clause (1)
of article 123 of the Constitution, the President is pleased to promulgate
the following Ordinance:—

1. (1) This Ordinance may be called the Religious Institutions (Pre-
vention of Misuse) Ordinance, 1988.

Short
title, ex-
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ment

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

Definitions.

2. In this Ordinance, unless the context otherwise requires,—

(a) "ammunition" shall have the same meaning as in clause (b) of sub-section (1) of section 2 of the Arms Act, 1959;

54 of 1959.

(b) "arms" shall have the same meaning as in clause (c) of sub-section (1) of section 2 of the Arms Act, 1959;

54 of 1959.

(c) "manager", in relation to a religious institution, means every person, including any religious functionary (by whatever name called), who, for the time being, either alone or in association with other persons, administers, manages or otherwise controls the affairs of that institution, its functions or properties;

(d) "political activity", includes any activity promoting or propagating the aims or objects of a political party or any cause, issue or question of a political nature by organising meetings, demonstrations, processions, collection or disbursement of funds, or by the issue of directions or decrees, or by any other means, and includes such activity by or on behalf of a person seeking election as a candidate for any election to Parliament, any State Legislature or any local authority;

(e) "political party" means an association or body of persons,—

(i) which is, or is deemed to be, registered with the Election Commission of India as a political party under the Election Symbols (Reservation and Allotment) Order, 1968, as in force for the time being; or

(ii) which has set up candidates for election to any legislature, but is not so registered or deemed to be registered under the Election Symbols (Reservation and Allotment) Order, 1968; or

(iii) organised to carry on any political activity or to acquire or exercise political power through election or otherwise;

(f) "religious institution" means any place or premises used as a place of public religious worship, by whatever name or designation known.

3. No religious institution or manager thereof shall use or allow the use of any premises belonging to, or under the control of, the institution,—

(a) for the promotion or propagation of any political activity; or

(b) for the harbouring of any person accused or convicted of an offence under any law for the time being in force; or

(c) for the storing of any arms or ammunition; or

(d) for keeping any goods or articles in contravention of any law for the time being in force; or

Prohibition
of use of
religious
institutions
for
certain
purposes.

(e) for erecting or putting up any construction or fortification, including basements, bunkers, towers or walls without a valid licence or permission under any law for the time being in force; or

(f) for the carrying on of any unlawful or subversive act prohibited under any law for the time being in force or in contravention of any order made by any court; or

(g) for the doing of any act which promotes or attempts to promote disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities;

(h) for the carrying on of any activity prejudicial to the sovereignty, unity and integrity of India; or

(i) for the doing of any act in contravention of the provisions of the Prevention of Insults to National Honour Act, 1971.

61 of 1971.

4. No religious institution or manager thereof shall allow the entry of any arms or ammunition or of any person carrying any arms or ammunition into the religious institution:

Provided that nothing in this section shall apply to—

(a) the wearing and carrying of a *kirpan* by any person professing the Sikh religion; or

(b) any arms which are used as part of any religious ceremony or ritual of the institution as established by custom or usage.

Restrictions on taking out arms and ammunition inside a religious institution.

5. No religious institution or manager thereof shall use or allow to be used any funds or other properties belonging to the institution for the benefit of any political party or for the purpose of any political activity or for the commission of any act which is punishable as an offence under any law.

Prohibition of use of funds of religious institutions for certain activities.

6. No religious institution or manager thereof shall allow any ceremony, festival, congregation, procession or assembly organised or held under its auspices to be used for any political activity.

Prohibition of religious fora for propagating political ideas.

7. Where any religious institution or manager thereof contravenes the provisions of section 3, section 4, section 5 or section 6, the manager and every person connected with such contravention shall be punishable with imprisonment for a term which may extend to five years and with fine which may extend to ten thousand rupees.

Penalties.

8. (1) Any manager or other person, being an employee of a religious institution shall, upon conviction for an offence under this Ordinance stand removed from his office or post and shall, notwithstanding anything to the contrary contained in any other law, be disqualified for appointment in any religious institution as manager or in any other capacity for a period of six years from the date of his conviction.

Disqualification of persons charge-sheeted or convicted under this Ordinance.

(2) Where any person is accused of an offence under this Ordinance and a charge-sheet for the prosecution of such person is filed in any court and the court is of the opinion, after considering the charge-sheet and after hearing the prosecution and the accused, that a *prima facie* case exists, it shall pass an order or direction restraining the person from exercising the powers or discharging the duties of his office or post pending trial.

(3) Where any manager or other employee has been removed under sub-section (1), or restrained under sub-section (2), the vacancy arising out of such removal or restraint may be filled in the manner provided in the law applicable to the said religious institution.

Certain
persons
bound to
give infor-
mation to
police.

9. Every manager or employee of a religious institution shall be bound to give information to the officer in charge of the police station within whose local jurisdiction the religious institution is situate, of any contravention or any impending contravention of the provisions of this Ordinance and any failure to do so, shall be punishable under section 45 of 1860. 176 of the Indian Penal Code.

R. VENKATARAMAN,
President.

S. RAMAIAH,
Secy. to the Govt. of India.